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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,090	12/29/2000	Jeffery F. Harness	2207/10377	6380
23838	7590	06/04/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			DO, CHAT C	
			ART UNIT	PAPER NUMBER
			2124	7

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/750,090	Applicant(s) HARNESS ET AL.	
	Examiner Chat C. Do	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-6,11-18 and 20-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 03/30/2004.
2. Claims 1-25 are pending in the application. Claims 1, 10, and 19 are independent claims. In Amendment A, claims 1-3, 10, and 18-20 are amended. This action is made non-final.

Claim Objections

3. Claim 7 is objected to because of the following informalities: the limitation cited in claim 7 is already claimed in claim 1 step (a). Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-10, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Weber (U.S. 4,438,501) in view of Yada (U.S. 5,481,568).

Re claim 1, Weber discloses in Figure 1 a method of filtering over-sampled data (abstract) comprising: receiving a word including a plurality of sample bits for each of a plurality of data bits (col. 1 lines 6-9); detecting a sample bit having one logic value and, on either side of it, bits having the opposite logic value (col. 1 lines 6-20 and col. 9 lines 3-15); and outputting the received word with the sample bit having said one logic value

inverted (col. 8 lines 65-70). Weber does not disclose the word is an over-sampled data. However, Yada discloses in Figure 4 an input word is an over-sampling data (part 10 in Figure 4, Figure 2(b), and col. 6 lines 54-60) entering a filter (abstract) for extracting desired data. Therefore, it would have been obvious application to a person having ordinary skill in the art at the time the invention is made to apply or add over-sampling data into Weber's invention because it would enable to correct any undesirable sequence or irregular sequence and provide a desired sequence without loss of integrity (abstract).

Re claim 7, it has same limitation cited in claim 1. Thus, claim 7 is also rejected under the same rationale in the rejection of rejected claim 1.

Re claims 8-9, Weber does not disclose in Figure 1 a step of receiving word from an over-sampler or between two over-samplers wherein the over-sampled data is USB 2.0 data. However, the examiner takes an official notice that the technique of selecting data from multiple input source as over-samplers and USB 2.0 data are known in the art. Therefore, it would have been obvious application to a person having ordinary skill in the art at the time the invention is made to apply difference data as USB 2.0 or samplers into Weber's invention because it would enable to correct any undesirable sequence or irregular sequence and provide a desired sequence without loss of integrity (abstract).

Re claim 10, it is an apparatus claim of claim 1. Thus, claim 10 is also rejected under the same rationale in the rejection of rejected claim 1.

Re claim 19, it is a computer readable memory containing program instruction claim of claim 1. Thus, claim 19 is also rejected under the same rationale in the rejection of rejected claim 1.

Allowable Subject Matter

6. Claims 2-6, 11-18, and 20-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 7-10, and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chat C. Do whose telephone number is (703) 305-5655. The examiner can normally be reached on M => F from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaki Kakali can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2124

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do
Examiner
Art Unit 2124

June 1, 2004

Kakali Chaki

**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**